



Signed and Filed: April 2, 2020

A handwritten signature in black ink, appearing to read "Hannah L. Blumenstiel", is written over a horizontal line.

HANNAH L. BLUMENSTIEL  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re: ) Case No. 19-31238 HLB  
LYNN ANN SIMON, ) Chapter 13  
Debtor(s). )

ORDER RE TRUSTEE'S MOTION TO DISMISS

On March 6, 2020, the Trustee filed a motion to dismiss the above-captioned Chapter 13 case for lack of prosecution (Dkt. 19; the "Motion"). Debtor has opposed the Motion (Dkt. 25).

The Motion asserts that Debtor did not prosecute this case because the Trustee requested certain actions be taken as set forth in Attachment A to the Motion, and Debtor failed to act on these requests. The motion also asserts that Debtor's plan payments are delinquent in the amount of \$21,681.00. Debtor responds only that she will be filing an amended plan, which has not yet been filed.

Accordingly, the court hereby **ORDERS** that Debtor shall perform the following on or before **April 29, 2020**:

- Bring plan payments current such that the Trustee has received all payments that have come due by the deadline

ORDER RE TRUSTEE'S MOTION TO  
DISMISS

1 OR file and serve an amended plan that resolves any  
2 deficiency;

- 3 - Provide the Trustee with a signed copy of the Debtor's  
4 2018 filed federal income tax return;
- 5 - Provide the Trustee with a completed Chapter 13 Business  
6 Questionnaire;
- 7 - Provide the Trustee with payment advices for the sixty  
8 (60) days prior to the filing of the bankruptcy, or in  
9 the alternative if the payment advices are unavailable, a  
10 declaration which sets forth the reasons that the  
11 required information is unavailable and provides an  
12 estimate of the payments received in the sixty (60) days  
13 prior to filing;
- 14 - Provide the Trustee with verification of income from  
15 social security in the amount of \$1,937.00;
- 16 - Provide the Trustee with verification of boarding income  
17 in the amount of \$2,400.00;
- 18 - Provide the Trustee with the Class 1 Checklist (Form NDC  
19 1-3) and the Authorization to Release Information to  
20 Trustee Regarding Secured Claims Being Paid by the  
21 Trustee (Form NDC 1-4);
- 22 - Serve the Chapter 13 Plan on all creditors with 28 days'  
23 notice, and file a certificate evidencing such service;
- 24 - Provide the Trustee with an explanation of how Debtor  
25 valued the real property located at 942 Wilmington Way,  
26 Emerald Hills, CA at \$954,807.00;
- 27 - Obtain withdrawal of the objection to confirmation of  
28 plan by creditor U.S. Bank National Association filed on

1           January 24, 2020 OR set the objection for hearing on 28  
2           days' notice on the next available Chapter 13 calendar;

3           - **File an Application for Approval of Attorney Fees.**

4           If Debtor complies timely and fully with the terms of this  
5 order, the Motion is **DENIED**.

6           If Debtor fails to comply timely and fully with the terms  
7 of this order, the Trustee shall file and serve a declaration  
8 under penalty of perjury detailing why Debtor(s) has failed to  
9 comply **and shall upload an order granting the Motion and**  
10 **dismissing the case.** The hearing on the Motion set for April  
11 15, 2020 is vacated.

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13                               **\*\*END OF ORDER\*\***  
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Court Service List

[None]